



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,633	06/19/2001	Christopher H. Elving	15437-0539	4540

29989 7590 05/02/2005

HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

EXAMINER

BHATIA, AJAY M

ART UNIT	PAPER NUMBER
----------	--------------

2145

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,633

Applicant(s)

ELVING, CHRISTOPHER H.

Examiner

Ajay M. Bhatia

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 5, 6, 13, 16, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Pang et al. (referred to as Pang, U.S. Patent 6,493,837).

3. For claim 1, Pang teaches, a method for dynamically allocating data buffers to a data structure, comprising the computer-implemented steps of:

assigning a logging thread to said data structure, wherein said logging thread is configured to insert free data buffers into said data structure; and (See Pang, Col. 5 line 66 to Col. 6 line 4)

Art Unit: 2145

monitoring an amount of log data that is being stored within data buffers associated with said data structure; (See Pang, Col. 5 line 66 to Col. 6 line 4)

based on the amount of log data that is being stored within said data buffers, determining whether additional data buffers need to be linked into said data structure; wherein the step of monitoring an amount of log data comprises the step of said logging thread tracking how often said data buffers associated with said data structure are determined to be full. (See Pang, Col. 7 line 65 to Col. 8 line 32, Col. 5 lines 1-26, Col. 6 lines 27-40, Col. 5 line 66 to Col. 6 line 12)

if additional data buffers need to be linked to said data structure, identifying one or more free buffers; and (See Pang, Col. 6 lines 4-13)

linking said one or more free data buffers into said data structure. (See Pang, Col. 6 lines 4-13)

4. For claim 4, Pang teaches, the method of claim 1, further comprising the steps of:

determining that a particular data buffer should be removed from said data structure; (See Pang, Col. 6 lines 14-20)

Art Unit: 2145

unlinking said particular data buffer from said data structure; and (See Pang, Col. 6 lines 14-26)

inserting said particular data buffer into a ready-to-write buffer list. (See Pang, Col. 6 lines 14-26)

5. For claim 5, Pang teaches, the method of claim 4, wherein the step of determining that a particular data buffer should be removed comprises the step of detecting that said particular data buffer is full. (See Pang, Col. 6 lines 1-13)

6. For claim 6, Pang teaches, the method of claim 4, wherein the step of determining that a particular data buffer should be removed comprises the step of detecting that said particular data buffer has not been removed from said data structure for a particular period of time. (See Pang, Col. 5 lines 20-26)

7. For claim 13, Pang teaches, a computer-readable medium carrying one or more sequences of instructions for dynamically allocating data buffers to a data structure, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the steps of:

Art Unit: 2145

assigning a logging thread to said data structure, wherein said logging thread is configured to insert free data buffers into said data structure; and (See Pang, Col. 5 line 66 to Col. 6 line 4)

monitoring an amount of log data that is being stored within data buffers associated with said data structure; wherein the step of monitoring an amount of log data comprises the step of said logging thread tracking how often said data buffers associated with said data structure are determined to be full (See Pang, Col. 7 line 65 to Col. 8 line 32, Col. 5 lines 1-26, Col. 6 lines 27-40, Col. 5 line 66 to Col. 6 line 12)

based on the amount of log data that is being stored within said data buffers, determining whether additional data buffers need to be linked into said data structure; (see Pang, Col. 6 lines 4-13)

if additional data buffers need to be linked to said data structure, identifying one or more free buffers; and linking said one or more free data buffers into said data structure. (See Pang, Col. 6 lines 4-13)

(See Pang, Col. 5 line 66 to Col. 6 line 4)

8. For claim 16, Pang teaches, the computer-readable medium of claim 13, further comprising instructions for performing the steps of:

determining that a particular data buffer should be removed from said data structure;
(See Pang, Col. 6 lines 14-26)

unlinking said particular data buffer from said data structure; and (See Pang, Col. 6
lines 14-26)

inserting said particular data buffer into a ready-to-write buffer list. (See Pang, Col. 6
lines 14-26)

9. For claim 17, Pang teaches, the computer-readable medium of claim 16, wherein
the step of determining that a particular data buffer should be removed comprises the
step of detecting that said particular data buffer is full. (See Pang, Col. 6 lines 1-13)

10. For claim 18, Pang teaches, the computer-readable medium of claim 16, wherein
the step of determining that a particular data buffer should be removed comprises the
step of detecting that said particular data buffer has not been removed from said data
structure for a particular period of time. (See Pang, Col. 5 lines 20-26)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

Art Unit: 2145

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 7, 8, 9, 11, 12, 14, 15, 19, 20, 21, 23, 24 are rejected under 35

U.S.C. 103(a) as being unpatentable over Pang in view of applicant's own admitted prior art. This rejection makes use of admission by applicant; applicant may wish to review this in the MPEP. See MPEP § 2129.

11. For claim 2 and 3, Pang teaches, a method for dynamically allocating data buffers to a data structure, comprising the computer-implemented steps of:

monitoring an amount of log data that is being stored within data buffers associated with said data structure; (See Pang, Col. 5 line 66 to Col. 6 line 4)

based on the amount of log data that is being stored within said data buffers,
determining whether additional data buffers need to be linked into said data structure;
and (See Pang, Col. 6 lines 4-13)

if additional data buffers need to be linked to said data structure, identifying one or more free buffers; and (See Pang, Col. 6 lines 4-13)

Art Unit: 2145

linking said one or more free data buffers into said data structure. (See Pang, Col. 6 lines 4-13)

Additionally, Pang teaches, the method of claim 1, further comprising the steps of:

generating log data based on the requests; and (See Pang, Col. 5 lines 2-15)

writing said log data in one or more data buffers associated with said data structure.
(See Pang, Col. 5 lines 2-25)

Pang fails to teach, receiving requests for content that is associated with a web site domain;

the method of claim 2, wherein the step of monitoring an amount of data that is being stored within data buffers includes the step of tracking how many requests are being received for content that is associated with said web site domain.

Applicants admitted prior art teaches, receiving requests for content that is associated with a web site domain; (See Pang, Col. 5 lines 2-15) and (see Applicants application, paragraph 7)

Art Unit: 2145

the method of claim 2, wherein the step of monitoring an amount of data that is being stored within data buffers includes the step of tracking how many requests are being received for content that is associated with said web site domain. (see Applicants application, paragraph 3)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Pang with the methods of the applicants admitted prior art, because the system of Pang allows for multiprocessor web servers providing greater server speed for hosting. (See Pang Col. 1 lines 59-67)

For claims 7, 8 and 9, Pang teaches, a method for dynamically allocating data buffers to a data structure, comprising the computer-implemented steps of:

monitoring an amount of log data that is being stored within data buffers associated with said data structure; (See Pang, Col. 5 line 66 to Col. 6 line 4)

based on the amount of log data that is being stored within said data buffers, determining whether additional data buffers need to be linked into said data structure; and (See Pang, Col. 6 lines 4-13)

if additional data buffers need to be linked to said data structure, identifying one or more free buffers; and (See Pang, Col. 6 lines 4-13)

linking said one or more free data buffers into said data structure. (See Pang, Col. 6 lines 4-13)

Additionally, Pang teaches, the method of claim 1, further comprising the steps of:

determining that a particular data buffer should be removed from said data structure;
(See Pang, Col. 6 lines 14-20)

unlinking said particular data buffer from said data structure; and (See Pang, Col. 6 lines 14-26)

inserting said particular data buffer into a ready-to-write buffer list. (See Pang, Col. 6 lines 14-26)

removing said particular data buffer from said ready-to-write buffer list, wherein said ready-to-write buffer list is located within a first memory area; (See Pang, Col. 5 lines 12-25)

storing log data information in said particular data buffer to a second memory area, wherein said second memory area is distinct from said first memory area; and (See Pang, Col. 5 lines 12-25)

the step of identifying one or more free buffers comprises the step of selecting one or more free buffers from said free buffer pool; and (See Pang, Col. 6 lines 4-13)

the step of linking said one or more free data buffers into said data structure comprises the steps of, (See Pang, Col. 6 lines 4-13)

identifying one or more entries in said data structure; and (See Pang, Col. 6 lines 4-13)

linking said one or more free data buffers into said one or more entries in said data structure. (See Pang, Col. 6 lines 4-13)

Pang fails to teach, inserting said particular data buffer into a free buffer pool, wherein said free buffer pool maintains free data buffers that may be inserted into any one of a plurality of data structures that are each associated with a particular web site domain.

said log data is generated based on request that are received for content associated with a particular web site domain; and

said step of inserting said particular data buffer comprises the step of linking said particular data buffer into a queue that maintains only data buffers that contain log data associated with requests for said particular web site domain.

Applicants admitted prior art teaches, inserting said particular data buffer into a free buffer pool, wherein said free buffer pool maintains free data buffers that may be inserted into any one of a plurality of data structures that are each associated with a particular web site domain. (See Pang, Col. 5 lines 7-12) and (see Applicants application, paragraph 7)

said log data is generated based on request that are received for content associated with a particular web site domain; and (See Pang, Col. 5 lines 2-15) and (see Applicants application, paragraph 7)

said step of inserting said particular data buffer comprises the step of linking said particular data buffer into a queue that maintains only data buffers that contain log data associated with requests for said particular web site domain. (See Pang, Col. 5 lines 38-58) and (see Applicants application, paragraph 7)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Pang with the methods of the applicants admitted prior art, because the system of Pang allows for multiprocessor web servers providing greater server speed for hosting. (See Pang Col. 1 lines 59-67)

Art Unit: 2145

12. For claim 11 and 12, Pang teaches, a method for dynamically allocating data buffers in a web server, comprising the computer-implemented steps of:

dynamically controlling how many data buffers are allocated to said data structure based on how many content requests said web server receives for said particular web site domain. (See Pang, Col. 7 line 65 to Col. 8 line 32

in response to determining that a particular data buffer should be removed from said data structure, (See Pang, Col. 6 lines 4-13)

removing said particular data buffer from said data structure; and (See Pang, Col. 6 lines 4-13)

inserting said particular data buffer into a ready-to-write buffer list; (See Pang, Col. 6 lines 4-13)

and wherein the step of dynamically controlling how many data buffers are allocated to said data structure comprises the steps of: (See Pang, Col. 7 line 65 to Col. 8 line 32)

monitoring how often data buffers that are inserted into said ready-to-write buffer list; and (See Pang, Col. 7 line 65 to Col. 8 line 32)

Art Unit: 2145

dynamically adjusting an amount of data buffers that are associated with said data structure based on how often data buffers are inserted into said ready-to-write buffer list. (See Pang, Col. 7 line 65 to Col. 8 line 32)

Pang fails to teach, configuring said web server to service requests for multiple web site domains;

assigning a buffer management structure to a particular web site domain of said multiple web site domains, wherein said buffer management structure includes a data structure that maintains links to data buffers used to buffer log data that is based on content requests that are directed to said particular web site domain; and

Applicants admitted prior art teaches, configuring said web server to service requests for multiple web site domains; (see Applicants application, paragraph 7)

assigning a buffer management structure to a particular web site domain of said multiple web site domains, wherein said buffer management structure includes a data structure that maintains links to data buffers used to buffer log data that is based on content requests that are directed to said particular web site domain; and (See Pang, Col. 5 lines 5-20 and lines 38-58) and (see Applicants application, paragraph 7)

Art Unit: 2145

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Pang with the methods of the applicants admitted prior art, because the system of Pang allows for multiprocessor web servers providing greater server speed for hosting. (See Pang Col. 1 lines 59-67)

13. For claims 14 and 15, Pang teaches, a computer-readable medium carrying one or more sequences of instructions for dynamically allocating data buffers to a data structure, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the steps of:

monitoring an amount of log data that is being stored within data buffers associated with said data structure; (See Pang, Col. 5 line 66 to Col. 6 line 4)

based on the amount of log data that is being stored within said data buffers, determining whether additional data buffers need to be linked into said data structure; and (See Pang, Col. 6 lines 4-13)

if additional data buffers need to be linked to said data structure, identifying one or more free buffers; and linking said one or more free data buffers into said data structure. (See Pang, Col. 6 lines 4-13)

generating log data based on the requests; and (See Pang, Col. 5 lines 2-15)

writing said log data in one or more data buffers associated with said data structure.

(See Pang, Col. 5 lines 2-25)

Pang fails to teach, receiving requests for content that is associated with a web site domain;

the computer-readable medium of claim 14, wherein the step of monitoring an amount of data that is being stored within data buffers includes the step of tracking how many requests are being received for content that is associated with said web site domain.

Applicants admitted prior art teaches, receiving requests for content that is associated with a web site domain; (See Pang, Col. 5 lines 2-15) and (see Applicants application, paragraph 7)

the computer-readable medium of claim 14, wherein the step of monitoring an amount of data that is being stored within data buffers includes the step of tracking how many requests are being received for content that is associated with said web site domain.
(see Applicants application, paragraph 3)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Pang with the methods of the applicants admitted prior art,

because the system of Pang allows for multiprocessor web servers providing greater server speed for hosting. (See Pang Col. 1 lines 59-67)

14. For claims 19, 20 and 21, Pang teaches, a computer-readable medium carrying one or more sequences of instructions for dynamically allocating data buffers to a data structure, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the steps of:

monitoring an amount of log data that is being stored within data buffers associated with said data structure; (See Pang, Col. 5 line 66 to Col. 6 line 4)

based on the amount of log data that is being stored within said data buffers, determining whether additional data buffers need to be linked into said data structure; and (See Pang, Col. 6 lines 4-13)

if additional data buffers need to be linked to said data structure, identifying one or more free buffers; and linking said one or more free data buffers into said data structure. (See Pang, Col. 6 lines 4-13)

determining that a particular data buffer should be removed from said data structure; (See Pang, Col. 6 lines 14-20)

Art Unit: 2145

unlinking said particular data buffer from said data structure; and (See Pang, Col. 6 lines 14-26)

inserting said particular data buffer into a ready-to-write buffer list. (See Pang, Col. 6 lines 14-26)

removing said particular data buffer from said ready-to-write buffer list, wherein said ready-to-write buffer list is located within a first memory area; (See Pang, Col. 5 lines 12-25)

storing log data information in said particular data buffer to a second memory area, wherein said second memory area is distinct from said first memory area; and (See Pang, Col. 5 lines 12-25)

the step of identifying one or more free buffers comprises the step of selecting one or more free buffers from said free buffer pool; and (See Pang, Col. 6 lines 4-13)

the step of linking said one or more free data buffers into said data structure comprises the steps of, (See Pang, Col. 6 lines 4-13)

identifying one or more entries in said data structure; and (See Pang, Col. 6 lines 4-13)

Art Unit: 2145

linking said one or more free data buffers into said one or more entries in said data structure. (See Pang, Col. 6 lines 4-13)

Pang fails to teach, inserting said particular data buffer into a free buffer pool, wherein said free buffer pool maintains free data buffers that may be inserted into any one of a plurality of data structures that are each associated with a particular web site domain.

said log data is generated based on request that are received for content associated with a particular web site domain; and

said step of inserting said particular data buffer comprises the step of linking said particular data buffer into a queue that maintains only data buffers that contain log data associated with requests for said particular web site domain.

Applicants admitted prior art teaches, inserting said particular data buffer into a free buffer pool, wherein said free buffer pool maintains free data buffers that may be inserted into any one of a plurality of data structures that are each associated with a particular web site domain. (See Pang, Col. 5 lines 7-12) and (see Applicant's application, paragraph 7)

Art Unit: 2145

said log data is generated based on request that are received for content associated with a particular web site domain; and (See Pang, Col. 5 lines 2-15) and (see Applicants application, paragraph 7)

said step of inserting said particular data buffer comprises the step of linking said particular data buffer into a queue that maintains only data buffers that contain log data associated with requests for said particular web site domain. (See Pang, Col. 5 lines 38-58) and (see Applicants application, paragraph 7)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Pang with the methods of the applicants admitted prior art, because the system of Pang allows for multiprocessor web servers providing greater server speed for hosting. (See Pang Col. 1 lines 59-67)

15. For claims 23 and 24, Pang teaches, a computer-readable medium carrying one or more sequences of instructions for dynamically allocating data buffers in a web server, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the steps of:

dynamically controlling how many data buffers are allocated to said data structure based on how many content requests said web server receives for said particular web site domain. (See Pang, Col. 7 line 65 to Col. 8 line 32)

in response to determining that a particular data buffer should be removed from said data structure, (See Pang, Col. 6 lines 14-20)

removing said particular data buffer from said data structure; and (See Pang, Col. 6 lines 14-26)

inserting said particular data buffer into a ready-to-write buffer list; (See Pang, Col. 6 lines 14-26)

and wherein the step of dynamically controlling how many data buffers are allocated to said data structure comprises the steps of: (See Pang, Col. 7 line 65 to Col. 8 line 32)

monitoring how often data buffers that are inserted into said ready-to-write buffer list; and (See Pang, Col. 7 line 65 to Col. 8 line 32)

dynamically adjusting an amount of data buffers that are associated with said data structure based on how often data buffers are inserted into said ready-to-write buffer list. (See Pang, Col. 7 line 65 to Col. 8 line 32)

Pang fails to teach, configuring said web server to service requests for multiple web site domains;

assigning a buffer management structure to a particular web site domain of said multiple web site domains, wherein said buffer management structure includes a data structure that maintains links to data buffers used to buffer log data that is based on content requests that are directed to said particular web site domain; and

Applicants admitted prior art teaches, configuring said web server to service requests for multiple web site domains; (see Applicants application, paragraph 7)

assigning a buffer management structure to a particular web site domain of said multiple web site domains, wherein said buffer management structure includes a data structure that maintains links to data buffers used to buffer log data that is based on content requests that are directed to said particular web site domain; and (See Pang, Col. 5 lines 5-20 and lines 38-58) and (see Applicants application, paragraph 7)

It would be obvious of one of ordinary skill in the art at the time of the invention to combine the system of Pang with the methods of the applicants admitted prior art, because the system of Pang allows for multiprocessor web servers providing greater server speed for hosting. (See Pang Col. 1 lines 59-67)

Response to Arguments

Applicant's arguments filed March 1, 2005 have been fully considered but they are not persuasive. Applicants arguments are based "tracking how often said data buffers associated with said data structure are determined full" which is shown in the prior art cited, with interpretation of how often as a frequency prior art cited still teaches this limitation. (See Pang, Col. 7 line 65 to Col. 8 line 32, Col. 5 lines 1-26, Col. 6 lines 27-40, Col. 5 line 66 to Col. 6 line 12)

In response to arguments on page 12 and 14 of remarks, how often are described in Col. 8 lines 1-32, in which prior art which states "The time stamp may be updated by the event tracing program whenever the log buffer is flushed. By periodically examining the time stamp of a log buffer" this clearly shows that how often is the time between time stamp updates, which are flushed once they become full, show a frequency between updates of the time stamp. "data structure are determined to be full" is shown in "when a log buffer in the set becomes full, the event tracing program removes", this clearly shows that knowledge of the buffer becoming full is known.

Additional arguments on page 12 make reference to the above argument for reasons for allowability and since that argument is not persuasive in making claim 1 or 11 allowable that are also not allowable (claims 1, 4-6, 13, 16-18 are not allowable).

In response to arguments on page 13, which reference applicants admitted prior art. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

Art Unit: 2145

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

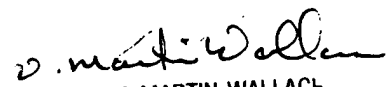
In response to arguments on page 13, 14, and 15, which reference argument in reference to claim 1 or 11 are also non persuasive since claim 1 or 11 is not allowable. Claims 2, 3, 7-9, 14, 15, 19-21, 12, 23, 24 are not allowable for the reasons above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M. Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia M. Wallace can be reached on (571)-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

AB